IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 6477 of 1994

Between:

M/s. Sri Rama Engineering Co., rep.by it's Managing Partner D.Seshagiri

Rao, opposite to M/s.Synthetic Drugs Project, Balanagar Industrial Estate, Hyderabad.

..... PETITIONER

AND

1 The Govt. of A.P., rep.by it's secretary, Revenue Dept, Secretariat Buildings, Hyderabad.
2 The Commissioner of Land Reforms & Urban Land Ceiling, Govt. of A.P., Hyderabad.
3 The Commissioner of Industries, Govt. of A.P., Hyderabad.
4 The Special Officer & competent Authority, Urban Land Ceiling , Hyderabad.
5 The State of Bank of India ,Secunderabad Branch, rep.by it's Branch Manager Rastrapathi Road, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order, or direction more particularly one in the nature of Mandamus directing the 1st respondent herein to consider afresh favourably the application of the Petitioner for exemption of the extent of 8,126 sq.mts of land in Survey Nos.716,721and 722 of Village Kukatpally,Ranga Reddy Dist., as recommended by the 3rd respondent ,namely the Commissioner of Industries, in order to enable the petitioner to sell the same and discharge the loan payable to 5th Respondent Viz., the State Bank of India and for further developing the Industry, by disregarding the proceedings of the 4th respondent bearing No.F2/61/91 dt.26.2.1994.

Counsel for the Petitioner: MR.K.PRATAP REDDY

Counsel for the Respondent Nos. 1 to 4.: GP FOR REVENUE

Coounsel for the Respondent No.5: Mr.K.Srinivasa Murthy, Standing Counsel for State Bank of India

The Court made the following :

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ORDER:

Heard Sri K. Pratap Reddy, learned senior counsel appearing on behalf of the petitioner and also the learned Government Pleader for assignments.

The petitioner herein which is a unit having property at Kukatpally Village in S.Nos. 716,721 and 722, vide registered sale deed dated 29-7-1964 and vide Registered Document No. 371/64, filed this Writ Petition *inter alia* seeking a Writ of Mandamus for a direction to consider the petitioner's application for exemption to an extent of 8,126 sq.mtrs land in the aforesaid survey numbers for enabling it to sell the same and discharge the loan payable to 5th respondent viz., the State Bank of India and also for further developing the Industry.

Though several contentions have been urged in the main Writ Petition however, having regard to the subsequent developments, the question of rejection or non-consideration does not arise. It is pointed out that as per the proceedings of the Commissioner Land Revenue Urban Land Ceiling in LLR & ULC Lr. No. UL4/439/95 dated 17.7.1995 it was pointed out that the recommendations made by the concerned department viz., Commissioner would not possibly with regard to the needs of the industrial unit in question and that the rejection of the exemption application of the applicant firm has resulted in discrimination as a number of units have been granted exemption as per the norms fixed by the Commissioner of Industries. Therefore, taking into consideration especially to the fact the need being one for a Industrial Unit, it necessary calls for due exemption under Section 20 of the Urban Land Ceiling Act and accordingly, due recommendations were made for the

aforesaid proceedings for granting exemption.

Having regard to the said recommendations, it would suffice in the interests of justice to direct the first respondent to consider the request of the petitioners and pass appropriate orders for exemption in exercise of powers under Section 20 of the Urban Land Ceiling Act on merits in accordance with law, after giving an opportunity to the petitioner within a period of two months form the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

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22.07.2004.

SPECIAL OFFICER

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary to Government, Rrevenue Dept,
Secretariat Buildings, Hyderabad.
2 The Commissioner of Land Reforms & Urban Land Celling, Govt. of

A.P.,
Hyderabad.
3 The Commissioner of Industries, Govt. of A.P.,
Hyderabad.
4 The Special Officer & competent Authority, Urban Land Ceiling ,
Hyderabad.
5 The Branch Manager, State of Bank of India , Secunderabad Branch,
Rastrapathi Road, Secunderabad.

6. 2CCs to G.P. for Revenue , High Court Buildings, High Court of A.P.,

Hyderabad. (OUT)

7. 2CD copies